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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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KENT TERRY PRISBREY,  
  
Plaintiff,

v.

STATE AUTO INSURANCE COMPANIES,  
MILBANK INSURANCE COMPANY, and  
DOES A-Z,

Defendants.

**MEMORANDUM DECISION AND  
ORDER OVERRULING OBJECTION  
AND  
DENYING MOTION FOR  
CLARIFICATION**

Case No. 4:21-cv-00124-DN-DBP

District Judge David Nuffer  
Magistrate Judge Dustin B. Pead

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On December 4, 2023, Plaintiff filed two documents: one titled “Objection to defendants *[sic]* reply in support of defendants *[sic]* renewed motion to dismiss with prejudice and JURISDICTION CHALLENGE” (“Objection”);<sup>1</sup> and the other titled “Moves this court to help Kent understand its order # 1737 *[sic]* denial filed 11/14/23 and Jurisdiction challenge” (“Motion”).<sup>2</sup> The Objection and Motion were filed approximately three weeks after the filing of the document<sup>3</sup> and the order<sup>4</sup> that Plaintiff challenges. The Objection and Motion are also made one week after entry of a memorandum decision and order that granted Defendants’ renewed motion to dismiss based on Plaintiff’s failures to prosecute and to comply with court orders.<sup>5</sup>

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<sup>1</sup> [Docket no. 142](#), filed Dec. 4, 2023.

<sup>2</sup> [Docket no. 143](#), filed Dec. 4, 2023.

<sup>3</sup> Defendants’ Reply in Support of Defendants’ Renewed Motion to Dismiss With Prejudice, [docket no. 136](#), filed Nov. 13, 2023.

<sup>4</sup> Memorandum Decision and Order Denying Motion to Extend In-Home Inspection Deadline or to Set Aside Ordered Inspection (“November 14, 2023 Memorandum Decision and Order”), [docket no. 137](#), filed Nov. 14, 2023.

<sup>5</sup> Memorandum Decision and Order Granting Motion to Dismiss, [docket no. 139](#), filed Nov. 27, 2023.

Judgment dismissing this action with prejudice entered on November 27, 2023.<sup>6</sup> Therefore, Plaintiff's Objection and Motion are untimely.

Regardless of their timeliness, Plaintiff's Objection and Motion lack merit. Plaintiff asserts in his Objection that the docket does not reflect that he responded to Defendant's renewed motion to dismiss.<sup>7</sup> This assertion is incorrect. The docket reflects that Plaintiff's response to the renewed motion to dismiss (which Plaintiff titled as an objection) was filed twice: once as an attachment to Defendant's reply memorandum on November 13, 2023;<sup>8</sup> and once as a stand-alone filing on November 14, 2023.<sup>9</sup> The contents of Plaintiff's response were considered in the memorandum decision and order that granted Defendants' renewed motion to dismiss.<sup>10</sup>

Plaintiff's Objection also includes assertions and arguments regarding conflicts of interest between Defendants' counsel and the court.<sup>11</sup> Plaintiff believes that because attorneys are officers of the court, a conflict of interest and fraud requires recusal and voiding of previous court orders for lack of jurisdiction.<sup>12</sup> Plaintiff has previously made similar frivolous arguments that were rejected.

In the same vein, Plaintiff's Motion includes the same assertions and arguments that Plaintiff raised in his motion seeking to extend or set aside the deadline for an in-home inspection of his property.<sup>13</sup> These arguments were and are factually and legally deficient. And

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<sup>6</sup> Judgment in a Civil Case, [docket no. 140](#), filed Nov. 27, 2023.

<sup>7</sup> Objection at 1.

<sup>8</sup> Kent's Objection to Defendants['] Motion to Dismiss With Prejudice, [docket no. 136-1](#), filed Nov. 13, 2023.

<sup>9</sup> Kent's Objection to Defendants['] Motion to Dismiss With Prejudice, [docket no. 138](#), filed Nov. 14, 2023.

<sup>10</sup> Memorandum Decision and Order Granting Motion to Dismiss at 1, 6, 8-12.

<sup>11</sup> Objection at 2-3.

<sup>12</sup> *Id.*

<sup>13</sup> Direct Court to Se[t A]side/Extend In[-]Home Inspection Date, [docket no. 134](#), filed Oct. 16, 2023.

they were rejected and denied in the November 14, 2023 Memorandum Decision and Order.<sup>14</sup> There is no need to further expound or clarify the analysis or effect of the November 14, 2023 Memorandum Decision and Order.

The substance of Plaintiff's Objection and Motion are more examples of Plaintiff's insistence on disregarding court Rules and orders in favor of presenting his fantastical views of the law and his rights. This conduct is what lead to this case being dismissed as a sanction for Plaintiff's failures to prosecute and to comply with court orders.<sup>15</sup> Plaintiff's Objection and Motion are untimely and present no adequate factual or legal basis for the relief Plaintiff seeks. The Objection and Motion are frivolous.

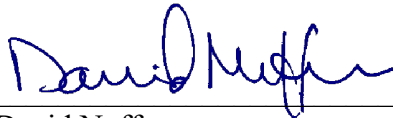
### **ORDER**

THEREFORE, IT IS HEREBY ORDERED that Defendant's Objection<sup>16</sup> is OVERRULED.

IT IS FURTHER ORDERED that Plaintiff's Motion<sup>17</sup> is DENIED.

Signed January 3, 2024.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer  
United States District Judge

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<sup>14</sup> November 14, 2023 Memorandum Decision and Order at 1-4.

<sup>15</sup> Memorandum Decision and Order Granting Motion to Dismiss at 1-2, 8-12.

<sup>16</sup> [Docket no. 142](#), filed Dec. 4, 2023.

<sup>17</sup> [Docket no. 143](#), filed Dec. 4, 2023.